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PATENT
Docket No. 348022000420

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on March 1, 2000.

Denise Lade
Denise Lade

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Andrew S. Little et al.

Serial No.: To Be Assigned

Filing Date: September 3, 1999

371 filing based on PCT appln. no.:
PCT/US98/04084For: ADENOVIRUS VECTORS SPECIFIC
FOR CELLS EXPRESSING ALPHA-
FETOPROTEIN AND METHODS OF
USE THEREOF

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

RECEIVED

14 MAR 2000

Legal Staff
International Registration

PETITION FOR A FILING DATE UNDER 37 CFR 1.10 (e)

Attn: PCT LEGAL
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a Petition under 37 CFR 1.10 (e) to accord to the above-referenced patent application the filing date of **SEPTEMBER 3, 1999**, which corresponds to the date the correspondence was deposited with the United States Postal Service (USPS).

The undersigned Petitioner:

- 1) has not received the return receipt postcard or Notification of Missing

Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/O/US);

pa-458605

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- 2) is filing this Petition promptly after learning that the United States Patent and Trademark Office (USPTO) cannot locate the filing papers;
- 3) submits that the number of the Express Mail mailing label was placed on the filing papers prior to the original mailing by Express Mail; and
- 4) demonstrates by the attached corroborating evidence that the requested filing date is the date that the filing papers were deposited with the USPS by Express Mail.

A copy of all papers that were deposited with the USPS, Express Mail service, on **SEPTEMBER 3, 1999** are attached to this petition. The transmittal included a "Certificate of Mailing by "Express Mail" listing the Express Mail Label No. **EL 034 669 783 US** in accordance with 37 CFR 1.10. A copy of the corresponding Express Mail Label No. **EL 034 669 783 US** dated **September 3, 1999** by the USPS is attached to this petition.

On February 11, 2000, the USPS confirmed by telephone that the package with Express Label No. **EL 034 669 783 US** was delivered to the USPTO on September 7, 1999.

Communication with the USPTO initiated October 20, 1999, after non-receipt of the return receipt postcard and Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). Many calls (11/3/99, 11/30/99, 12/2/99, and 12/3/99) were placed to the USPTO to inquire as to the status of the filing papers, but no answers were obtained. There was also no response to the official status inquiry filed on December 23, 1999. Petitioner then contacted Sue Wolski of the USPTO @ 703-308-3984 on 2/9/00, 2/10/00, 2/11/00 and 2/15/00. Ms. Wolski researched and could find no evidence that the filing papers had entered the system. On February 15, 2000, Ms. Wolski advised filing a petition under 37 CFR 1.10(e) and addressing it to the attention of PCT LEGAL, Box PCT at the USPTO.

A petition fee is required under 37 CFR 1.17(i). A check in the amount of \$130.00 is enclosed.

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In the unlikely event that the Patent Office determines that an additional fee is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** (our ref. 348022000420). However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: March 1, 2000

Catherine M. Polizzi

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Registration No. 40,130

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